

## MEETING MINUTES

**MILPITAS PLANNING COMMISSION**  
**Milpitas City Hall, Council Chambers**  
**455 E. Calaveras Blvd., Milpitas, CA**

**Wednesday, November 29, 2017**

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| <b>I. PLEDGE OF ALLEGIANCE</b>                       | <b>Chair Mandal</b> called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.  |
| <b>II. ROLL CALL/ SEATING OF ALTERNATE</b>           | <p><b>Present:</b> Chair Mandal, Vice Chair Madnawat, Commissioners Sandhu, Ciardella, Maglalang, Chua</p> <p><b>Absent:</b> Morris (excused), Mohsin (excused)<br/>Alternate Member Chua was seated for voting.</p> <p><b>Staff:</b> Bradley Misner, Katy Wisinski, Adrienne Smith</p> |
| <b>III. PUBLIC FORUM</b>                             | <b>Chair Mandal</b> invited members of the audience to address the Commission and there were no speakers.   |
| <b>IV. APPROVAL OF MEETING MINUTES</b>               | Approval of meeting minutes carried to the next meeting due to a lack of quorum for this item.  |
| <b>V. ANNOUNCEMENTS</b>                              | Planning Director Bradley Misner announced the next meeting is scheduled for December 13, and will be the only meeting in December due to the holiday.  |
| <b>VI. CONFLICT OF INTEREST</b>                      | <p><b>Deputy City Attorney Katy Wisinski</b> asked if any member of the Commission had any personal or financial conflict of interest related to any of the items on the agenda.</p> <p>There were no reported conflicts.</p>   |
| <b>VII. APPROVAL OF AGENDA</b>                       | <p><b>Chair Mandal</b> asked if staff or Commissioners had changes to the agenda and there were none.</p> <p><b>Motion</b> to approve the November 29, 2017 agenda as submitted.</p> <p>Motion/Second: Commissioner Sandhu/Commissioner Chua</p> <p>AYES: 6</p> <p>NOES: 0</p>          |
| <b>VIII. CONSENT CALENDAR</b><br><br><b>NO ITEMS</b> |   |

## IX. PUBLIC HEARING

### IX-1 **BEVMO! ALCOHOLIC BEVERAGE LICENSE – 749 E CALAVERAS BLVD – P-UP17-0010:** A request for a Conditional Use Permit to allow for off-sale general, on-sale beer and wine and educational tasting licenses.

Project Planner Adrienne Smith showed a presentation and discussed the request.

Commissioner Maglalang had questions regarding the number of parking spaces required. Ms. Smith said the parking summary table showing 1,506 required spaces is a very strict calculation per the zoning code, but the parking analysis done by Hexagon for 24 Fitness actually studied the site and determined that peak demand never maxes out, and peak is 1,265 across the entire Town Center. With 1,379 spaces available there is a surplus of 114 spaces over peak demand.

Chair Mandal asked if age verification will be required in the tasting room. Ms. Smith said the applicant will need to comply with all Alcoholic Beverage Control (ABC) requirements and believes it is part of the licensing agreement.

Applicant Greg Endom of Beverages and More was present. They have had a store at the Great Mall since 2003, established early in the company's history. They have learned a lot since then as to where their customers wish to shop for a special bottle of wine or spirits for an event or gift and regional malls are not the place. They have found that customers buy during daily needs shopping trips, such as to the supermarket or drycleaners, not when going to the mall, and will seek out a company such as BevMo that has a wide selection of products and knowledgeable staff to help them make a selection. Mr. Endom believes the proposed location will be much more convenient for their customers.

With regards to undue concentration, the ABC uses a ratio of licenses per population in a census tract and, because many tracts have a lot of commercial and few homes, the ratio gets skewed, usually showing an over concentration.

The Type 42 license gives them the opportunity to do beer and wine tastings. Each tasting and checkout area has an age verification device that swipes drivers licenses to verify age. They are very strict and have their own secret shoppers/sting program that visit each store every month to verify that employees are complying with their policies. Additionally, no one under the age of 21 is allowed in their stores unless accompanied by a parent or guardian.

Tastings are typically held 1-2 times a week, and usually wine and beer are separated. One event on Friday evening for a maximum of two hours, the other on Saturday evening. They also offer tastings by appointment for private events.

Commissioner Chua asked if there have been issues getting a Type 42 license. Mr. Endom said required notices have been posted at the property and mailed to residents within 500 feet of the store and there have been no comments received, and he does not anticipate any problems with any of the licenses.

Commissioner Maglalang asked who the tenant adjacent to the store will be as he was concerned with a shortage of parking. Mr. Endom said the tenant is yet to be identified. The store at the Great Mall has been fairly successful although the availability of spaces there is very limited, and he considers this location to have an abundance of parking. Being located in the center allows for customers to park once

and shop twice and saves them additional trips, and being located next to fitness centers is good because people work out on a regular basis then pick up items before going home.

Chair Mandal opened the public hearing and there were no speakers.

**Motion** to close the public hearing.

Motion/Second: Commissioner Maglalang/Commissioner Sandhu

AYES: 6

NOES: 0

Ms. Wisinski asked if the maker of the motion would allow staff to correct a typo in the CEQA section of the resolution.

**Motion** to Adopt Resolution No. 17-033 approving Conditional Use Permit No. P-UP17-0010, subject to the attached Conditions of Approval, with corrections to the resolution.

Motion/Second: Vice Chair Madnawat/Commissioner Ciardella

AYES: 6

NOES: 0

## **X. NEW BUSINESS**

### **NO ITEMS**

## **XI. ADJOURNMENT**

The meeting was adjourned at 7:49 PM.

**Motion** to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Sandhu

AYES: 6

NOES: 0

*Meeting Minutes submitted by  
Planning Commission Secretary Elia Escobar*